

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 13
)	
MARY MCMULLEN ROSS,)	CASE NO. 15-63991-jrs
)	
Debtor.)	
)	
<hr/> TORRANCE CHOATES,)	
Movant,)	CONTESTED MATTER
)	
vs.)	
)	
MARY MCMULLEN ROSS, Debtor)	
and NANCY J. WHALEY, Trustee,)	
)	
Respondents.)	
<hr/>)	

AMENDED NOTICE OF HEARING

PLEASE TAKE NOTICE that **TORRANCE CHOATES** has filed an Amended Motion for Relief from Stay and related papers with the Court seeking an Order Granting Relief from the Automatic Stay.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion for Relief from Stay in Courtroom 1404, United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia, at **10:30 A.M. on October 6, 2015**.

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is Clerk, U. S. Bankruptcy Court, Suite 1340, 75 Spring Street, Atlanta Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

If a hearing on the motion for relief from the automatic stay cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the motion and agrees to a hearing on the earliest possible date. Movant

consents to the automatic stay remaining in effect until the Court orders otherwise.

THIS AMENDED NOTICE OF HEARING IS BEING FILED TO REFLECT THE FACT THAT THE COURT WILL HEAR THE MOTION FOR RELIEF FROM STAY AT 10:30 A.M. ON OCTOBER 6, 2015, AND NOT ON SEPTEMBER 15 AS SHOWN ON THE ORIGINAL NOTICE FILED ON SEPTEMBER 4, 2015.

Dated: September 8, 2015

Respectfully submitted,

/s/ Shannon D. Sneed

Shannon D. Sneed, Bar No. 665610
SHANNON D. SNEED & ASSOCIATES, P.C.
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Attorneys for TORRANCE CHOATES

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<hr/> TORRANCE CHOATES,)	
Movant,)	CONTESTED MATTER
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MARY MCMULLEN ROSS, Debtor)	
and NANCY J. WHALEY, Trustee,)	
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Respondents.)	
<hr/>)	

AMENDED MOTION FOR RELIEF FROM THE AUTOMATIC STAY

COMES NOW Movant named above and shows this Court the following:

1.

This Motion is made pursuant to Section 362(d) of the Bankruptcy Code for relief from the automatic stay for all purposes allowed by law and the contract between the parties, including, but not limited to, the right to proceed with an eviction against the Debtor pursuant to her violation of a residential lease agreement between the parties.

2.

Movant is the owner of certain real property located at 2716 Kristen Court NW, Conyers, GA 30012, which he leased to the Debtor on April 1, 2015. A copy of the lease is attached hereto as Exhibit "A" and made a part hereof.

3.

Debtor filed the instant case on July 27, 2015. Debtor has defaulted on rental payments which have come due since the bankruptcy filing. Debtor's prepetition arrearage is \$1200.00. Debtor's post-petition arrearage is \$2400.00.

5.

Because of the Debtor's post-petition default on payment of rent, Movant is not adequately protected and should be permitted to proceed with the eviction process. Movant has suffered and continues to suffer irreparable harm because of the Debtor's default.

6.

Movant shows that the provisions of Bankruptcy Rule 4001(a)(3) should be waived.

7.

THIS AMENDED MOTION IS BEING FILED TO REFLECT THE FACT THAT THE DEBTOR'S CASE IS A CHAPTER 13 CASE, AND NOT A CHAPTER 7 CASE AS INDICATED ON THE ORIGINAL MOTION FOR RELIEF FILED IN THIS CASE ON SEPTEMBER 4, 2015.

WHEREFORE, Movant prays for an Order lifting the automatic stay, and authorizing them to proceed with the exercise of their right of eviction after default under the residential lease agreement and appropriate state statutes. Movant also prays that the provisions of Bankruptcy Rule 4001(a)(3) be waived, so that any Order entered will be enforceable immediately upon entry, for reasonable attorney's fees, and for such other and further relief as is just and equitable.

Dated: September 8, 2015

Respectfully submitted,

/s/ Shannon D. Sneed

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Attorneys for TORRANCE CHOATES

Certificate of Service

I certify that I am over the age of 18 and that on the date written below a copy of the foregoing Motion for Relief from the Automatic Stay and Notice of Hearing was served by email or by first class U.S. Mail, with adequate postage prepaid on the following persons or entities at the addresses stated:

The following parties have been served via U.S. Mail:

Mary McMullen Ross
2716 Kristen Court NW
Conyers, GA 30012

Craig Z. Black
The Semrad Law Firm LLC
101 Marietta St. NW
Atlanta, GA 30303

Nancy J. Whaley
Chapter 13 Trustee
Suite 120
303 Peachtree Center Avenue
Atlanta, GA 30303

Dated: September 8, 2015

/s/ Shannon D. Sneed
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